REMARKS

Reconsideration of the present application is respectfully requested.

The abstract was objected to for exceeding 150 words. A new abstract on a separate sheet is enclosed herewith. Accordingly it is submitted that the Examiner's objection to the abstract has been overcome.

Status of the Claims

Claims 1-5 are pending, claims 1-4 having been amended and claim 6 having been cancelled herein.

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Morris et al. (U.S. 4,674,608).

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hipsher in view of Spoto.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Regarding claim 1 the Examiner stated that the term "relative-rotatably" was indefinite. This terminology has been removed from the claim. Further, with regard to claim 1, the Examiner stated that the limitation "the adjacent oil chambers" lacked antecedent basis. Claim 1 has been amended herein to more clearly recite the chamber structure. In view of the foregoing it is

submitted that the Examiner's rejections under 35 U.S.C. §112, second paragraph have been overcome.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Morris et al. The Examiner's rejection is respectfully traversed.

Morris et al. (US 4,574,608) does not include any path for connecting adjacent oil chambers in the manner of the claimed invention. As recited in the amended claims the "communication path" of the present invention passes through the rotatable shaft. In the claimed invention at least one protrusion on the casing closes an opening to the communication path to thereby provide a damping effect.

It is submitted that Morris fails to disclose or suggest the structure described above. Rather, Morris discloses an arrangement including a relief valve 66 in the vane. Further, the relief valve is not closed by a protrusion extending from the casing but rather when the pressure difference between a high and low pressure chamber reaches a set value the relief valve is opened in order to decrease torque. Accordingly it is submitted that Morris fails to disclose the structure of the claimed invention and moreover it is submitted that the arrangement disclosed in Morris operates in a completely different manner than the claimed invention.

In view of the foregoing it is submitted that the Morris reference fails to anticipate the claimed invention.

Claim Rejections Under 35 U.S.C. §103(a)

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hipsher in view of Spoto. Claim 6 has been canceled herein thus the Examiner's rejection of claim 6 has been rendered moot.

It is believed that this response is timely. However, in the event that the submission of this amendment is untimely, then this should be considered a petition for extension under 37 C.F.R. §1.136(a) and the U.S. Patent and Trademark Office is specifically authorized to charge the requisite fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

According to currently recommended Patent Office policy, the Examiner is specifically authorized to contact the undersigned in the event that a telephonic interview would advance the prosecution of this application.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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ABSTRACT

A damper including a shaft member 2 having wings 4a, 4b which are formed on the outer periphery of a shaft 3, a cylindrical casing 1 relative-rotatably incorporating the shaft member, and oil chambers A to D which are provided between the outer periphery of the shaft member and the inner periphery of the casing. Protrusions are provided on the inner periphery of the casing so as to be slidable on the outer periphery of the shaft. Communicating paths 5a, 5b pass through the shaft to enable communication between a pair of adjacent oil chambers. At least one of openings of the communicating path is closed by the protrusion 8a, 8b of the casing within a relative-rotating range of the shaft member 2.